

Original

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

DOUG LITTLEFIELD, ROBERT
MOLLEUR and RODNEY BARRUP,

Plaintiffs,

v.

CARL BENSON TILLEY,
KATHERINE TILLEY, TILLEY
FOUNDATION, INC., a Tennessee
Corporation, and CT TECHNOLOGY,
INC., a Nevada Corporation,

Defendants.

2:06-0061
Judge Echols

JURY VERDICT FORM

We, the jury, unanimously find as follows:

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS

PART ONE

PLAINTIFF DOUG LITTLEFIELD'S CLAIMS AGAINST DEFENDANTS

A. Questions as to liability of Defendant Carl Benson Tilley and Katherine Tilley

1) Has Plaintiff Doug Littlefield proven by a preponderance of the evidence that he is entitled to recover on any of the claims he asserts against Defendant Carl Benson Tilley?

☒ Yes ☐ No

If your answer is "Yes," on which of the following claim(s) do you find Plaintiff Doug Littlefield is entitled to recover? (Place a "✓" or "X" next to the appropriate claim(s)).

☒ (a) Fraud and deceit based on intentional misrepresentation

☒ (b) Breach of fiduciary duty

☐ (c) Conversion

☒ (d) Tennessee Consumer Protection Act

☒ (e) Tennessee Securities Act

2) If you placed a "✓" or "X" next to the Tennessee Consumer Protection Act claim in the previous question, has Plaintiff Doug Littlefield proven by a preponderance of the evidence that Defendant Carl Benson Tilley's violation of the law was done willfully or knowingly?

☒ Yes ☐ No

3) Has Plaintiff Doug Littlefield proven by a preponderance of the evidence that he is entitled to recover on any of the claims he asserts against Defendant Katherine Tilley?

☒ Yes ☐ No

If your answer is "Yes," on which of the following claim(s) do you find Plaintiff Doug Littlefield is entitled to recover? (Place a "✓" or "X" next to the appropriate claim(s)).

- ☒ (a) Fraud and deceit based on intentional misrepresentation
- ☐ (b) Breach of fiduciary duty
- ☐ (c) Conversion
- ☒ (d) Tennessee Consumer Protection Act
- ☒ (e) Tennessee Securities Act

4) If you placed a "✓" or "X" next to the Tennessee Consumer Protection Act claim in response to the previous question, has Plaintiff Doug Littlefield proven by a preponderance of the evidence that Defendant Katherine Tilley's violation of the law was done willfully or knowingly?

☒ Yes ☐ No

(You have now answered the liability questions concerning Plaintiff Doug Littlefield's claims against Defendant Carl Benson Tilley and Defendant Katherine Tilley. If you found one or both of these Defendants liable to Plaintiff Doug Littlefield, proceed to answer the following questions concerning the assessment of damages, if any, to be awarded in favor of Plaintiff Doug Littlefield against Defendant Carl Benson Tilley and/or Defendant Katherine Tilley. Also, as I instructed you previously, Defendants Tilley Foundation, Inc., and CT Technology, Inc. were earlier found to be liable to Plaintiff Doug Littlefield and you must now assess the amount of damages, if any, to be awarded in favor of Plaintiff Doug Littlefield against Tilley Foundation Inc. and/or CT Technology, Inc.).

B. Questions as to Compensatory Damages, if any, to be Assessed in Favor of Plaintiff Doug Littlefield Against Defendants

5) What is the total amount of compensatory damages, if any, that Plaintiff Doug Littlefield is entitled to recover from each of the Defendants?

(Enter the amount, or, if none, enter zero.)

Carl Benson Tilley	\$ <u>1,607,500</u>
Katherine Tilley	\$ <u>1,607,500</u>
The Tilley Foundation, Inc.	\$ <u>1,607,500</u>
CT Technology, Inc.	\$ <u>1,607,500</u>
TOTAL	\$ <u>6,430,000.00</u>

6) If you awarded compensatory damages in favor of Plaintiff Doug Littlefield, is he entitled to an award of pre-judgment interest on the amount of compensatory damages you awarded?

☒ Yes ☐ No

If "yes," what is the starting date from which pre-judgment interest should be calculated?

Starting Date for Pre-Judgment Interest February 14, 2004.

7) If you awarded compensatory damages in favor of Plaintiff Doug Littlefield against any one or more of the Defendants, what portion of the award made against a Defendant, if any, do you attribute to that Defendant's violation of the Tennessee Consumer Protection Act, if that Defendant violated the Tennessee Consumer Protection Act?

Carl Benson Tilley	\$ <u>107,500</u>
Katherine Tilley	\$ <u>107,500</u>
The Tilley Foundation, Inc.	\$ <u>107,500</u>

CT Technology, Inc.

\$ 107,500.00

TOTAL

\$ 430,000.00

(You have now answered the questions regarding compensatory damages in relation to the claims brought by Plaintiff Doug Littlefield against Defendants. The remaining questions deal with Plaintiff Doug Littlefield's request for punitive damages).

C. Questions as to Punitive Damages

8) Has Plaintiff Doug Littlefield proven by clear and convincing evidence that he is entitled to an award of punitive damages against any of the Defendants on his claims for fraud and deceit based on intentional misrepresentation, conversion, and/or breach of fiduciary duty?

☒ Yes

☐ No

9) If your answer to the previous question is "Yes," against which Defendant(s) do you find Plaintiff Doug Littlefield is entitled to recover punitive damages on his claims for fraud and deceit based upon intentional misrepresentation, conversion, and/or breach of fiduciary duty? (Place a "✓" or "X" next to the appropriate Defendant(s)).

☒ Carl Benson Tilley

☒ Katherine Tilley

☒ The Tilley Foundation, Inc.

☒ CT Technology, Inc.

PART TWO
PLAINTIFF ROBERT MOLLEUR'S CLAIMS AGAINST DEFENDANTS

A. Questions as to liability of Defendant Carl Benson Tilley and Katherine Tilley

1) Has Plaintiff Robert Molleur proven by a preponderance of the evidence that he is entitled to recover on any of the claims he asserts against Defendant Carl Benson Tilley?

☒ Yes

☐ No

If your answer is "Yes," on which of the following claim(s) do you find Plaintiff Robert Molleur is entitled to recover? (Place a "✓" or "X" next to the appropriate claim(s)).

- ☒ (a) Fraud and deceit based on intentional misrepresentation
- ☒ (b) Breach of fiduciary duty
- ☒ (c) Conversion
- ☒ (d) Tennessee Consumer Protection Act
- ☒ (e) Tennessee Securities Act

2) If you placed a "✓" or "X" next to the Tennessee Consumer Protection Act claim in the previous question, has Plaintiff Robert Molleur proven by a preponderance of the evidence that Defendant Carl Benson Tilley's violation of the law was done willfully or knowingly?

☒ Yes ☐ No

3) Has Plaintiff Robert Molleur proven by a preponderance of the evidence that he is entitled to recover on any of the claims he asserts against Defendant Katherine Tilley?

☒ Yes ☐ No

If your answer is "Yes," on which of the following claim(s) do you find Plaintiff Robert Molleur is entitled to recover? (Place a "✓" or "X" next to the appropriate claim(s)).

- ☒ (a) Fraud and deceit based on intentional misrepresentation
- ☐ (b) Breach of fiduciary duty
- ☒ (c) Conversion
- ☒ (d) Tennessee Consumer Protection Act
- ☒ (e) Tennessee Securities Act

4) If you placed a "✓" or "X" next to the Tennessee Consumer Protection Act claim in response to the previous question, has Plaintiff Robert Molleur proven by a preponderance of the evidence that Defendant Katherine Tilley's violation of the law was done willfully or knowingly?

☒ Yes ☐ No

(You have now answered the liability questions concerning Plaintiff Robert Molleur's claims against Defendant Carl Benson Tilley and Defendant Katherine Tilley. If you found one or both of these Defendants liable to Plaintiff Robert Molleur, proceed to answer the following questions concerning the assessment of damages, if any, to be awarded in favor of Plaintiff Robert Molleur against Defendant Carl Benson Tilley and/or Defendant Katherine Tilley. Also, as I instructed you previously, Defendants Tilley Foundation, Inc., and CT Technology, Inc. were earlier found to be liable to Plaintiff Robert Molleur and you must now assess the amount of damages, if any, to be awarded in favor of Plaintiff Robert Molleur against Tilley Foundation Inc. and/or CT Technology, Inc.).

B. Questions as to Compensatory Damages, if any, to be Assessed in Favor of Plaintiff Robert Molleur Against Defendants

5) What is the total amount of compensatory damages, if any, that Plaintiff Robert Molleur is entitled to recover from each of the Defendants?

(Enter the amount, or, if none, enter zero.)

Carl Benson Tilley	\$ 1,622,500.00
Katherine Tilley	\$ 1,622,500.00
The Tilley Foundation, Inc.	\$ 1,622,500.00
CT Technology, Inc.	\$ 1,622,500.00
TOTAL	\$ 6,490,000.00

6) If you awarded compensatory damages in favor of Plaintiff Robert Molleur, is he entitled to an award of pre-judgment interest on the amount of compensatory damages you awarded?

☒ Yes ☐ No

If "yes," what is the starting date from which pre-judgment interest should be calculated?

Starting Date for Pre-Judgment Interest February 14, 2004

7) If you awarded compensatory damages in favor of Plaintiff Robert Molleur against any one or more of the Defendants, what portion of the award made against a Defendant, if any, do you attribute to that Defendant's violation of the Tennessee Consumer Protection Act, if that Defendant violated the Tennessee Consumer Protection Act?

Carl Benson Tilley	\$ <u>122,500.00</u>
Katherine Tilley	\$ <u>122,500.00</u>
The Tilley Foundation, Inc.	\$ <u>122,500.00</u>
CT Technology, Inc.	\$ <u>122,500.00</u>
TOTAL	\$ <u>490,000.00</u>

(You have now answered the questions regarding compensatory damages in relation to the claims brought by Plaintiff Robert Molleur against Defendants. The remaining questions deal with Plaintiff Robert Molleur's request for punitive damages).

C. Questions as to Punitive Damages

8) Has Plaintiff Robert Molleur proven by clear and convincing evidence that he is entitled to an award of punitive damages against any of the Defendants on his claims for fraud and deceit based on intentional misrepresentation, conversion, and/or breach of fiduciary duty?

☒

Yes

☐

No

9) If your answer to the previous question is "Yes," against which Defendant(s) do you find Plaintiff Robert Molleur is entitled to recover punitive damages on his claims for fraud and deceit based upon intentional misrepresentation, conversion, and/or breach of fiduciary duty? (Place a "✓" or "X" next to the appropriate Defendant(s)).

☒

Carl Benson Tilley

☒

Katherine Tilley

☒

The Tilley Foundation, Inc.

☒

CT Technology, Inc.

PART THREE
PLAINTIFF RODNEY BARRUP'S CLAIMS AGAINST DEFENDANTS

A. Questions as to liability of Defendant Carl Benson Tilley and Katherine Tilley

1) Has Plaintiff Rodney Barrup proven by a preponderance of the evidence that he is entitled to recover on any of the claim he asserts against Defendant Carl Benson Tilley?

☒ Yes ☐ No

If your answer is "Yes," on which of the following claim(s) do you find Plaintiff Rodney Barrup is entitled to recover? (Place a "✓" or "X" next to the appropriate claim(s)).

☒ (a) Fraud and deceit based on intentional misrepresentation

☐ (b) Breach of fiduciary duty

☒ (c) Conversion

☒ (d) Tennessee Consumer Protection Act

☒ (e) Tennessee Securities Act

2) If you placed a "✓" or "X" next to the Tennessee Consumer Protection Act claim in the previous question, has Plaintiff Rodney Barrup proven by a preponderance of the evidence that Defendant Carl Benson Tilley's violation of the law was done willfully or knowingly?

☒ Yes ☐ No

3) Has Plaintiff Rodney Barrup proven by a preponderance of the evidence that he is entitled to recover on any of the claims he asserts against Defendant Katherine Tilley?

☒ Yes ☐ No

If your answer is "Yes," on which of the following claim(s) do you find Plaintiff Rodney Barrup is entitled to recover? (Place a "✓" or "X" next to the appropriate claim(s)).

- ☒ (a) Fraud and deceit based on intentional misrepresentation
☐ (b) Breach of fiduciary duty
☒ (c) Conversion
☒ (d) Tennessee Consumer Protection Act
☒ (e) Tennessee Securities Act

4) If you placed a "✓" or "X" next to the Tennessee Consumer Protection Act claim in response to the previous question, has Plaintiff Rodney Barrup proven by a preponderance of the evidence that Defendant Katherine Tilley's violation of the law was done willfully or knowingly?

☒ Yes ☐ No

(You have now answered the liability questions concerning Plaintiff Rodney Barrup's claims against Defendant Carl Benson Tilley and Defendant Katherine Tilley. If you found one or both of these Defendants liable to Plaintiff Rodney Barrup, proceed to answer the following questions concerning the assessment of damages, if any, to be awarded in favor of Plaintiff Rodney Barrup against Defendant Carl Benson Tilley and/or Defendant Katherine Tilley. Also, as I instructed you previously, Defendants Tilley Foundation, Inc., and CT Technology, Inc. were earlier found to be liable to Plaintiff Rodney Barrup and you must now assess the amount of damages, if any, to be awarded in favor of Plaintiff Rodney Barrup against Tilley Foundation Inc. and/or CT Technology, Inc.).

B. Questions as to Compensatory Damages, if any, to be Assessed in Favor of Plaintiff Rodney Barrup Against Defendants

5) What is the total amount of compensatory damages, if any, that Plaintiff Rodney Barrup is entitled to recover from each of the Defendants?

(Enter the amount, or, if none, enter zero.)

Carl Benson Tilley	\$ 52,500.00
Katherine Tilley	\$ 52,500.00
The Tilley Foundation, Inc.	\$ 52,500.00

CT Technology, Inc.

\$ 52,500.00

TOTAL

\$ 210,00.00

6) If you awarded compensatory damages in favor of Plaintiff Rodney Barrup, is he entitled to an award of pre-judgment interest on the amount of compensatory damages you awarded?

☒ Yes

☐ No

If "yes," what is the starting date from which pre-judgment interest should be calculated?

Starting Date for Pre-Judgment Interest September 28, 2005

7) If you awarded compensatory damages in favor of Plaintiff Rodney Barrup against any one or more of the Defendants, what portion of the award made against a Defendant, if any, do you attribute to that Defendant's violation of the Tennessee Consumer Protection Act if that Defendant violated the Tennessee Consumer Protection Act?

Carl Benson Tilley

\$ 52,500.00

Katherine Tilley

\$ 52,500.00

The Tilley Foundation, Inc.

\$ 52,500.00

CT Technology, Inc.

\$ 52,500.00

TOTAL

\$ 210,00.00

(You have now answered the questions regarding compensatory damages in relation to the claims brought by Plaintiff Rodney Barrup against Defendants. The remaining questions deal with Plaintiff Rodney Barrup's request for punitive damages).

C. Questions as to Punitive Damages

8) Has Plaintiff Rodney Barrup proven by clear and convincing evidence that he is entitled to an award of punitive damages against any of the Defendants on his claims for fraud and deceit based on intentional misrepresentation, conversion, and/or breach of fiduciary duty?

✓ Yes

 No

9) If your answer to the previous question is "Yes," against which Defendant(s) do you find Plaintiff Rodney Barrup is entitled to recover punitive damages on his claims for fraud and deceit based upon intentional misrepresentation, conversion, and/or breach of fiduciary duty? (Place a "✓" or "X" next to the appropriate Defendant(s)).

✓ Carl Benson Tilley

✓ Katherine Tilley

✓ The Tilley Foundation, Inc.

✓ CT Technology, Inc.

After you have answered each of the foregoing questions, have your foreperson sign and date this Verdict Form and notify the Court Security Officer that you have reached a verdict.

Foreperson

Date January 13, 2010